



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

May 29, 2007

Lieutenant General Robert L. Van Antwerp, Jr.
U.S. Army
Chief of Engineers
U.S. Army Corps of Engineers
441 G Street, NW
Washington, DC 20314-1000

**SUBJ: EPA NEPA Review of the FEIS for "Broward County Water
Preservation Areas"; April 2007; CERP; Broward County, Florida;
CEQ# 20070173; ERP# COE-E36184-FL**

Dear General Van Antwerp:

In accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the referenced U.S. Army Corps of Engineers (COE) Final Environmental Impact Statement (FEIS) for the proposed new authorization for the Broward County Water Preserve Areas (BCWPAs). The BCWPA project is part of the Comprehensive Everglades Restoration Plan (CERP) and therefore was reviewed as a project implementing the overall goals and objectives of Everglades restoration. EPA has provided comments on the Draft EIS (DEIS) in a letter dated April 28, 2006.

Consistent with the Water Resources Development Act (WRDA 2000), this project provides new authorization for the BCWPA as a State of Florida Acceler8 program project, and thereby deauthorizes such components initially authorized as a federal project under CERP. This reauthorization is intended to expedite the restoration benefits of constructing the C-11 impoundment, C-9 impoundment and WCA3A/3B Seepage Management Area as WPA buffers to the Water Conservation Areas (WCAs). EPA supports these restoration components and their expedited implementation. The FEIS will not only serve as NEPA documentation for the new authorization but will also likely serve as a regulatory EIS for the COE's Section 404 permitting required for the Acceler8 project.

The COE's responses to our DEIS comment letter were provided in Annex B of the FEIS (pp. B-113 to B-115). Our main concerns with the DEIS were the need for quantification of water quality benefits, inclusion of an exotics management plan, and organization of a separate *Environmental Consequences* section or substantive summary thereof. We note that the FEIS is generally responsive to these concerns. We find that the FEIS provides better quantification of project-related water quality benefits;

reorganizes the DEIS to incorporate an *Environmental Effects* section; provides information on exotics control in the proposed reservoirs; provides costs for the Monitoring & Adaptive Management actions; and addresses the air quality, noise, and environmental justice (EJ) comments provided in our DEIS comments. Regarding potential air quality, noise and EJ impacts, we have offered additional suggestions in the *Detailed Comments* enclosure on better documentation of these impact areas for CERP and other COE NEPA projects. We note that BCWPA reservoir locations are by design selected in rural areas such that these impacts may or may not be project issues.

In addition to the Annex B responses, we have also reviewed the Section 404(b) evaluation (Annex C-7), the water quality assurances language in the State compliance report (Annex C-157) and the Draft Project Operating Manual and Water Quality Monitoring Plan (Annex D). These sections reasonably address this issue and we request that future water quality monitoring and operations/adaptive management actions continue to be coordinated with our EPA Region 4 Water Management Division.

Procedurally, we note that seven (7) review copies were provided to EPA Region 4. For future reference since three (3) copies generally suffice, unless requested otherwise, this distribution could be streamlined to save resources by sending fewer copies.

EPA finds the FEIS to be an improved NEPA document, and continues to support this BCWPA component of the CERP and its expedited implementation under Accelor8. Should you have questions regarding our comments, feel free to contact Chris Hoberg of my staff for NEPA-related issues (404/562-9619 or hoberg.chris@epa.gov) or Eric Hughes of our EPA Region 4 Water Management Division (located in your Jacksonville District office) for technical issues (904/232-2464 or hughes.eric@epa.gov).

Sincerely,



Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

Enclosure – *Detailed Comments*

cc: COE/Jax District – Stuart Appelbaum c/o Michael Dupes
FDEP - Greg Knecht
USFWS/Vero Beach – Paul Souza
SFWMD – Larry Gerry

DETAILED COMMENTS

Regarding potential air quality, noise and EJ impacts, we offer the following suggestions on better documentation of these impact areas for CERP and other COE NEPA projects. We note that BCWPA reservoir locations are by design selected in rural areas such that these impacts may or may not be project issues. However, the approximate number of people/residences living in the project vicinity and potentially affected by the project should be provided in EIS documents.

Air Quality – Regarding air quality (Response 7: pg. B-114), we appreciate the COE’s interest “...to look into the possible use of retrofitted diesel construction equipment and the use of ultra-low diesel fuel.” Given the considerable number of construction projects performed by various COE contractors to implement CERP and other projects, we encourage the COE’s use of reduced idling practices, cleaner fuels, and emission retrofits for its construction equipment whenever feasible to reduce construction emissions. The EPA Region 4 contact is Dale Aspy at 404/562-9041 or aspy.dale@epa.gov. In any case, however, engines should be tuned to manufacture’s specifications to minimize air emissions.

Noise – Like for air emissions, we note that the COE (Response 8: pg. B-114) will also “...look into minimizing noise from construction equipment” during the detailed design and construction phase of the project. Noise can be attenuated for construction workers or any nearby residences through source reductions (construction equipment or pump engines, housings and mufflers) or shielding of stationary equipment (pumps). Beyond temporary construction noise, pump noise during BCWPA reservoir operation can be minimized by pump houses for shielding and use of electrical instead of diesel pumps (which would also reduce air emissions). It is clear, however, that such noise abatement is more important if residents and other sensitive receptors are located nearby and are affected by the project. In any case, however, project workers could be affected.

From a recommended NEPA documentation standpoint, the FEIS (pg. 6-51) could have been improved if noise data for some typical construction equipment had been provided (e.g., dBA noise levels at 50 ft available from the literature). Disclosure of the estimated construction time is also suggested for COE projects in order to help determine the magnitude of the noise (and air) impact.

EJ – We are also pleased to note from Response 9 (pg. B115) that “[t]hrough the public participation process, no high or adverse impacts on minorities or low-income populations became known.” The additional EJ documentation in Appendix F is also appreciated. However, from a NEPA documentation standpoint for EJ, U.S. Census 2000 data (e.g., one or more “block groups”) of the project area should typically be included since it more specifically covers the project area to account for any minority concentrations (“pockets”). For perspective, this project block group data should also be compared to adjacent block groups, the project county(ies) and the project state to further determine any minority concentrations near the project. The number of minority and low-income residents affected by the project (through relocation or other impacts),

their demographics and any potential disproportionate effects should be reasonably documented. For projects with disproportionate impacts, mitigative offsets should be recommended (e.g., impact minimization/mitigation, potential project job opportunities and training for affected residents, project updates and other continued coordination with community leaders, etc.).